

105TH CONGRESS  
1ST SESSION

# S. 813

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 1997

Mr. THURMOND (for himself, Mr. MCCAIN, Mr. INOUE, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 9, 1997

Committee discharged; referred to the Committee on the Judiciary

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## A BILL

To amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Cemetery  
5 Protection Act of 1997”.

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1 **SEC. 2. VANDALISM AT NATIONAL CEMETERIES.**

2 (a) IN GENERAL.—Chapter 91 of title 18, United  
3 States Code, is amended by adding at the end the follow-  
4 ing:

5 **“§ 1865. Vandalism and theft at national cemeteries**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘national cemetery’ means any  
8 cemetery—

9 “(A) in the National Cemetery System es-  
10 tablished under section 2400 of title 38; or

11 “(B) under the jurisdiction of the Sec-  
12 retary of the Army, the Secretary of the Navy,  
13 the Secretary of the Air Force, or the Secretary  
14 of the Interior; and

15 “(2) the term ‘value’ means face value, par  
16 value, market value, or cost price, either wholesale  
17 or retail, whichever is greater.

18 “(b) PENALTIES FOR VANDALISM.—Whoever will-  
19 fully injures or commits any depredation against any prop-  
20 erty of a national cemetery, or attempts to do so—

21 “(1) if the damage or attempted damage to the  
22 property exceeds \$1,000, shall be imprisoned not  
23 more than 10 years, fined under this title, or both;  
24 and

25 “(2) if the damage or attempted damage to the  
26 property does not exceed \$1,000, shall be imprisoned

1 not more than 10 years, fined under this title, or  
2 both.

3 “(c) PENALTIES FOR THEFT.—

4 “(1) IN GENERAL.—Whoever—

5 “(A) steals or knowingly converts to his or  
6 her use or the use of another any property of  
7 a national cemetery;

8 “(B) without authority, sells, conveys, or  
9 disposes of any property of a national cemetery;  
10 or

11 “(C) receives, conceals, or retains any  
12 property of a national cemetery with the intent  
13 to convert that property to his or her use or  
14 gain, knowing that property to have been stolen  
15 or converted,

16 shall be punished as provided in paragraph (2).

17 “(2) PENALTIES.—A person who violates para-  
18 graph (1)—

19 “(A) in the case of property with an esti-  
20 mated value that exceeds \$1,000, shall be im-  
21 prisoned not more than 15 years, fined under  
22 this title, or both; and

23 “(B) in the case of property with an esti-  
24 mated value that does not exceed \$1,000, shall

1           be imprisoned not more than 1 year, fined  
2           under this title, or both.”.

3           (b) CLERICAL AMENDMENT.—The analysis for chap-  
4 ter 91 of title 18, United States Code, is amended by in-  
5 serting after the item relating to section 1864 the follow-  
6 ing:

“1865. Vandalism and theft at national cemeteries.”.

